

Senate File 215 - Enrolled

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SENATE FILE 215

AN ACT

MODIFYING THE CERTIFIED MAIL REQUIREMENT CONCERNING THE SERVICE AND DELIVERY OF CERTAIN CIVIL RIGHTS COMPLAINTS AND ORDERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 216.15, subsection 3, paragraph a, Code 2005, is amended to read as follows:

a. After the filing of a verified complaint, a true copy shall be served within twenty days ~~by certified mail~~ on the person against whom the complaint is filed. If the first named respondent on a complaint is not a governmental entity, service of a true copy on the respondent shall be by certified mail. An authorized member of the commission staff shall make a prompt investigation and shall issue a recommendation to an administrative law judge employed either by the commission or by the division of administrative hearings created by section 10A.801, who shall then issue a determination of probable cause or no probable cause.

Sec. 2. Section 216.15, subsection 3, paragraph c, Code 2005, is amended to read as follows:

c. If the administrative law judge concurs with the investigating official that probable cause exists regarding the allegations of the complaint, the staff of the commission shall promptly endeavor to eliminate the discriminatory or unfair practice by conference, conciliation, and persuasion. If the administrative law judge finds that no probable cause exists, the administrative law judge shall issue a final order dismissing the complaint and shall promptly mail a copy to the complainant and to the respondent ~~by certified mail~~. A finding of probable cause shall not be introduced into evidence in an action brought under section 216.16.

Sec. 3. Section 216.15, subsection 10, Code 2005, is amended to read as follows:

10. If, upon taking into consideration all of the evidence at a hearing, the commission finds that a respondent has not engaged in any such discriminatory or unfair practice, the commission shall issue an order denying relief and stating the findings of fact and conclusions of the commission, and shall cause a copy of the order dismissing the complaint to be served ~~by certified mail~~ on the complainant and the respondent.

Sec. 4. Section 216.17, subsection 1, unnumbered paragraph 2, Code 2005, is amended to read as follows:

For purposes of the time limit for filing a petition for judicial review under the Iowa administrative procedure Act, chapter 17A, specified by section 17A.19, the issuance of a final decision of the commission under this chapter occurs on the date notice of the decision is mailed ~~by certified mail~~, to the parties.

JOHN P. KIBBIE
President of the Senate

CHRISTOPHER C. RANTS
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 215, Eighty-first General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved _____, 2005

THOMAS J. VILSACK

